

HUMAN SERVICES DEPARTMENT[441]**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 7(6), the Department of Human Services amends Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

These amendments are due to a mitigation strategy approved by the Centers for Medicare and Medicaid Services (CMS) to allow Iowa to keep the current family planning eligibility system until June 30, 2014. Iowa requested to keep the family planning system separate from the new Medicaid eligibility system due to the time constraints of developing a new medical assistance eligibility system to process applications as required under the Patient Protection and Affordable Care Act. The family planning system will continue to process applications under non-modified adjusted gross income (MAGI) determinations.

CMS waived requirements of 42 U.S.C. § 1396a(e)(14) to allow Iowa to use non-MAGI determinations on a time-limited basis.

The Council on Human Services adopted these amendments on November 13, 2013.

Pursuant to Iowa Code section 17A.4(3), the Department finds that notice and public participation are unnecessary. Notice and public participation can be waived because legislation permits emergency rule making pursuant to 2013 Iowa Acts, Senate File 446, section 7(6). These amendments allow Iowa Medicaid to be in compliance with federal guidance for a time-limited period.

Pursuant to Iowa Code section 17A.5(2)“b”(1), the Department further finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective January 1, 2014. The implementation period can be waived because legislation permits emergency rule making pursuant to 2013 Iowa Code, Senate File 446, section 7(6).

These amendments are also published herein under Notice of Intended Action as **ARC 1211C** to allow for public comment.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2013 Iowa Acts, Senate File 446, section 7(6).

These amendments will become effective January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 441—75.70(249A) as follows:

441—75.70(249A) Financial eligibility based on modified adjusted gross income (MAGI). Notwithstanding any other provision of this chapter, effective January 1, 2014, financial eligibility for medical assistance shall be determined using “modified adjusted gross income” (MAGI) and “household income” pursuant to 42 U.S.C. § 1396a(e)(14), to the extent required by that section as a condition of federal funding under Title XIX of the Social Security Act. For this purpose, financial eligibility for medical assistance includes any applicable purpose for which a determination of income is required, including the imposition of any premiums or cost sharing. From January 1, 2014, through June 30, 2014, subject to a waiver of the requirements of 42 U.S.C. § 1396a(e)(14) by the federal Centers for Medicare and Medicaid Services, use of MAGI and “household income” shall not be considered to be required by that section for persons otherwise eligible for family planning services under subrule 75.1(41).

ITEM 2. Amend rule 441—75.71(249A) as follows:

441—75.71(249A) Income limits. Notwithstanding any other provision of this chapter, effective January 1, 2014, the following income limits apply to the following coverage groups, as identified by the legal references provided:

Coverage Group	Legal Reference	Household Size (persons)	Income Limit (per month)
Family Medical Assistance Program and Child Medical Assistance Program	441—subrule 75.1(14) and 441—subrule 75.1(15); 42 CFR Part 435.110; Title XIX of the Social Security Act, Section 1931	1	\$447
		2	\$716
		3	\$872
		4	\$1,033
		5	\$1,177
		6	\$1,330
		7	\$1,481
		8	\$1,633
		9	\$1,784
		10	\$1,950
		over 10	\$1,950 plus \$178 for each additional person
Mothers and Children, for pregnant women and for infants under one year of age	441—subrule 75.1(28); 42 CFR Part 435.116; Title XIX of the Social Security Act, Section 1902		375% of the federal poverty level for the household

Coverage Group	Legal Reference	Household Size (persons)	Income Limit (per month)
Mothers and Children, for children aged 1 through 18 years	441—subrule 75.1(28); 42 CFR Part 435.116; Title XIX of the Social Security Act, Section 1902		167% of the federal poverty level for the household
Medicaid for Independent Young Adults	441—subrule 75.1(42); Title XIX of the Social Security Act, Section 1902(a)(10)(A)(ii)(VII)		254% of the federal poverty level for the household
Family Planning Services	441—subrule 75.1(41)		369% of the federal poverty level for the household

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/11/13.